

REMARKS/ARGUMENTS

Claims 1-5, 7-16, 18-19, and 36 are pending.

In this Amendment, Applicants have amended claims 1, 3, 4, 5, 7, 9, 12, 15-16, and 18-19 and cancelled claims 37-41, 43-50, 51-52, 54-55, 72, 73-75, and 80 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 1-5, 7-16, 18-19, 36, 37-41, 43-50, 51-52, 54-55, 72, 73-75, and 80, prior to this Amendment is not patentable over the art cited by the Examiner. Claims 1, 3, 4, 5, 7, 9, 12, 15-16, and 18-19 were amended and claims 37-41, 43-50, 51-52, 54-55, 72, 73-75, and 80 were cancelled in this Amendment solely to facilitate expeditious prosecution of the claims. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-5, 7-16, 18-19, 36, 37-41, 43-50, 51-52, 54-55, 72, 73-75, and 80 as presented prior to this Amendment and additional claims, in one or more continuing applications.

Claims 1-5, 7-16, 18-19, 35-52, 54-55, 72-75, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flavin, U.S. Pub. No. 2002/0038331 in view of Baker et al. (U.S. Pub. No. 2002/0054587). Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended certain claims.

Claims 35, 37-52, 54-55, 72-75, and 80 have been cancelled, and the rejection as to these claims is moot.

Amended claim 1 describes providing a user with at least two choices as to a level of monitoring, receiving from a user selected information for monitoring, wherein the selected information for monitoring includes user selection of one of a level of monitoring and particular features to be monitored, wherein each level of monitoring provides a different level of detail, wherein the selected information for a first level of monitoring comprises request level data and server level data, wherein the selected information for a second level of monitoring includes the selected information for the first level and API level data, wherein the selected information for a third level of monitoring includes the selected information for the second level of monitoring and method level data, wherein the user is provided with an option of changing dynamically between the second level and the third level, receiving from the user identification of a schedule for monitoring of the selected information, wherein the schedule consists of a group of schedule

records, each of which is a combination of a start date and time and a monitoring level, wherein the schedule define times for a monitoring level to change, monitoring application performance in accordance with the selected information and in accordance with the identified schedule, wherein the monitoring commences with a first schedule record, wherein the monitoring changes when a current time is a start time and date of another schedule record, and wherein the monitoring continues through successive schedule records, and making monitored performance information available to the user in accordance with the selected information (e.g., Specification, page 7, paragraph 43 – page 9, paragraph 47).

Amended claim 7 describes prompting a user to select a type of trap, in response to the prompting, receiving from the user information used for one of a threshold condition type of trap, a number of hits type of trap, and a resource consumption type of trap, wherein a trap is capable of providing a notification or alert to the user, wherein the information includes a resource and a condition in a form of a threshold value for the threshold condition type of trap, wherein the information includes a resource and a condition for the number of hits type of software trap, wherein the information includes an application server or server group, a resource, and a threshold for the resource consumption type of trap, comparing the value or quality of a parameter to the threshold or condition, and, in response to the parameter reaching the threshold or condition, logging information concerning the parameter, determining whether an alert condition has been triggered, and, in response to determining that the alert condition has been triggered, communicating the alert condition to the user (e.g., Specification, page 10, paragraph 50 – page 12, paragraph 56).

Amended claim 15 describes providing the user with performance information, receiving from a user a selection of one of request analysis, method analysis, SQL analysis, and application server analysis, in response to the user selection of the request analysis, the method analysis, or SQL analysis, prompting the user to select a metric, wherein the metric for the request analysis and for the method analysis includes one of throughput, response time, and CPU time, wherein the metric for the SQL analysis includes one of throughput and response time, and wherein the metric for the application server analysis includes one of pool size, concurrent waiters, average wait time, faults, percentage pool usage, physical connections, free memory, and memory used, and, in response to receiving the metric from the user, providing a trend analysis to the user, receiving from the user a request for more specific performance information, and providing more

detailed performance information (e.g., Specification, page 12, paragraph 57-page 16, paragraph 66).

On the other hand the Flavin patent application describes monitoring processes frequently monitor performance criteria of application servers, and the monitoring may be performed periodically, continuously in a rotating fashion or in any other convenient manner (page 8, paragraph 93). Performance criteria for each monitored server is stored in a flash database (page 8, paragraph 93). When a user logs out or is otherwise terminated from an application session, logout information for the user and the last application(s) running for that user, including the identity of the server that the user logged out of or was terminated from is stored in the flash database (page 8, paragraph 93). The administrative sever receives a request from a user for the user's web top, and the flash web top process determines the best performing server for each permitted application for the user based on the flash database (page 8, paragraph 94).

The Baker patent application describes a web-based routing management workstation application which allows authorized customers to control toll free routing and monitor call center status (Abstract).

Applicants respectfully submit that neither the Flavin patent application nor the Baker patent application, either alone or in combination, teaches or suggests the subject matter of amended claims 1, 7, and 15.

Dependent claims 2-5, 8-14, 16, 18, 19, and 36 each incorporate the language of one of independent claims 1, 7, and 15 and add additional novel elements. Therefore, Applicants respectfully submit that dependent claims 2-5, 8-14, 16, 18, 19, and 36 are not taught or suggested by the Flavin patent application or the Baker patent application, either alone or in combination.

Conclusion

For all the above reasons, Applicants submit that the pending claims 1-5, 7-16, 18-19, and 36 are patentable over the cited art. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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